

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of)	
)	For: DATA BUFFER STRUCTURE
Shiu, et al.)	FOR PHYSICAL AND ..
)	
Serial No. 09/678,645)	Examiner: Shuwang Liu
)	
Filed: 10/3/00)	Group No.: 2634

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. This application became abandoned on May 4, 2006.
2. This petition is filed:
 - ☒ within one year of the date of abandonment.
 - ☐ within three months of the date of the first decision on a petition to revive under 37 CFR 1.137(a) which was filed within one year of the date of abandonment.
 - ☐ the three month period has been extended up to .
 - ☐ enclosed is a petition and fee for extension of the three month period to .

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, on:

10/25/06
_____ (Date of Deposit)
Darla D. Kasmedo
_____ (Name of the Person Making the Deposit)
/Darla Kasmedo/
_____ (Signature)

3. This application became abandoned unintentionally.

4. Proposed response:

- ☐ Has been filed.
- ☒ Attached please find a **DECLARATION AND OATH**
- ☐ The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application.

5. Fee (37 CFR 1.17(m))

Application status is:

- ☐ small entity – fee \$640.00.
 - ☐ Verified Statement attached.
 - ☐ Verified Statement filed.
- ☐ other than small entity – fee \$1,300.00.
- ☒ This error occurred on the part of the USPTO. Therefore, Applicant's contend that no fee is due.

6. Payment of fee:

- ☒ The Commissioner is hereby authorized to charge payment of any additional fees which may be required, or credit any overpayment, to said Deposit Account No. 17. – 0026.
- ☒ The Commissioner is further hereby authorized to charge to said Deposit Account No. 17 – 0026, pursuant 37 CFR 1.25(b), any fee whatsoever which may become properly due or payable, as set forth in 37 CFR 1.16 to 37 CFR 1.18 inclusive, for the entire pendency of this application without specific additional authorization.

The undersigned declares further that all statements made herein are of his or her own knowledge are true and that statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated 10/25/06

By: /Kenyon Jenckes/

:

Kenyon Jenckes, Reg. No. 41,873
(858) 651-8149

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 651-1306
Facsimile: (858) 658-2502

● PRINTER RUSH ●

(PTO ASSISTANCE)

Application : 09/678,645 Examiner : Liu GAU : 2634

From : PAP Location : IDC FMF FDC Date : 9/23/05

Tracking #: EPM 09/678,645 Week Date: 6/20/05

DOC CODE	DOC DATE	MISCELLANEOUS
<input type="checkbox"/> 1449	_____	<input type="checkbox"/> Continuing Data
<input type="checkbox"/> IDS	_____	<input type="checkbox"/> Foreign Priority
<input type="checkbox"/> CLM	_____	<input type="checkbox"/> Document Legibility
<input type="checkbox"/> IIFW	_____	<input type="checkbox"/> Fees
<input type="checkbox"/> SRFW	_____	<input type="checkbox"/> Other
<input type="checkbox"/> DRW	_____	
<input checked="" type="checkbox"/> OATH	<u>1/24/01</u>	
<input type="checkbox"/> 312	_____	
<input type="checkbox"/> SPEC	_____	

[RUSH] MESSAGE: Signature for Avneesh Agrawal is missing from the oath declaration - second page of oath is missing.

Thank you

[XRUSH] RESPONSE: _____

See MISC COMM

INITIALS: feb

NOTE: This form will be included as part of the official USPTO record, with the Response document coded as XRUSH.
REV 10/04



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,645	10/03/2000	Da-Shan Shiu	PA000472	6060
23696	7590	10/14/2005	EXAMINER	
Qualcomm, NC 5775 Morehouse Drive San Diego, CA 92121			LIU, SHUWANG	
			ART UNIT	PAPER NUMBER
			2634	
DATE MAILED: 10/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Serial Number
09678645

Date Mailed
10/14/05

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Notice of Allowance Mailed

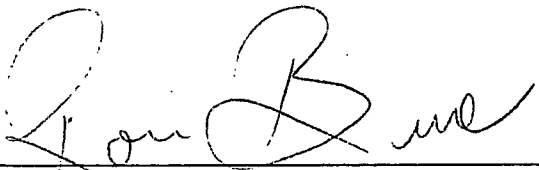
This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 30 days from the mail date of this Notice within which to correct the informalities indicated below. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136 (a) or (b).

- Signature for the inventor "Avneesh Agrawal", is missing from the oath/declaration.

APPLICANT MUST SUPPLY MISSING INFORMATION WITHIN 30 DAYS OF THE MAIL DATE OF THIS NOTICE.

A copy of this notice MUST be returned with the reply. Please address response to Commissioner for Patents P.O. Box 1450
Alexandria, VA 22313-1450



Rori Burch
USPTO
Publishing Division
Fax (703) 746-6830
Fax (703) 308-6642



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

COPY MAILED

OCT 02 2006

OFFICE OF PETITIONS

In re Application of :
Shiu, et al. : DECISION ON PETITION
Application No. 09/678,645 :
Atty. Dkt. No.: PA000472 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 8, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned November 15, 2005 for failure to timely file a proper reply to the Notice mailed October 14, 2005. The Notice set a one month non-extendible period of time for reply. Notice of Abandonment was mailed May 4, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition fails to satisfy requirement (1) set forth above. A proper reply to the outstanding Notice has not been submitted. A copy of the Notice is enclosed herewith. Any renewed petition must be accompanied by a suitable reply to the Notice.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile:

(571) 272-8300

By hand:

U.S. Patent and Trademark Office
Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Serial Number
09678645

Date Mailed
10/14/05

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Notice of Allowance Mailed

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

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- Signature for the inventor "Avneesh Agrawal", is missing from the oath/declaration.

APPLICANT MUST SUPPLY MISSING INFORMATION WITHIN 30 DAYS OF THE MAIL DATE OF THIS NOTICE.

A copy of this notice MUST be returned with the reply. Please address response to Commissioner for Patents P.O. Box 1450
Alexandria, VA 22313-1450

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